IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

MONDAY, THE 12TH FEBRUARY 2007 / 23RD MAGHA 1928

Bail Appl..No. 794 of 2007()

LPC.18/2005 of J.M.F.C.,PARAPPANANGADI

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PETITIONER/ACCUSED NO.1

PULLAT MUSTHAFA,
S/O.UNNI MOYEEN HAJI, PULLAT HOUSE,
KANNAMANGALAM, MALAPPURAM DISTRICT.

BY ADV. SRI.K.P.SUDHEER

RESPONDENTS: STATE

STATE OF KERALA, REPRESENTED BY
ITS PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM REPRESENTING THE SUB INSPECTOR OF
POLICE, TIRURANGADI, MALAPPURAM DISTRICT.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 12/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 794 of 2007

DATED: 12th February 2007

O R D E R

Petitioner who is the first accused in Crime No. 329/03 of Thirurangadi Police Station for offences punishable under Sections 143, 147, 148, 341,323, 324 and 308 read with Sec. 149 I.P.C., seeks anticipatory bail.

2. Consequent on the non-appearance of the petitioner in C.P.108/03 before the J.F.C.M., Parappanangadi, the case was transferred to the Long Pending Case Register where it has been registered as L.P.C. 18/05 and non bailable warrants of arrest are pending against the petitioner. Such being the position, I am not inclined to nullify the process issued by a court of competent jurisdiction by granting anticipatory bail. Petitioner has a contention that co-accused in the case have been acquitted after trial in S.C. 213/04 of the file of the Assistant Sessions Judge, Manjeri. It is for the petitioner to seek regular bail after surrendering before the J.F.C.M. Parappanangadi. Accordingly, if the petitioner surrenders before the J.F.C.M., Parappanangadi, and files an application for regular bail, within two weeks from today, the same shall be considered and disposed of preferably on the same day on which it is

filed after examining the explanation offered by the petitioner for his previous non-appearance and also after considering the fact that the co-accused in the case have been acquitted after trial. Such consideration shall be despite the non-bailable warrants,if any, pending against the petitioner.

With the above observation this application is dismissed.

V.RAMKUMAR, JUDGE.

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